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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,371	12/07/2001	Leith Johnson	10016615-1	8105

22879 7590 06/06/2006

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EXAMINER

TSAI, SHENG JEN

ART UNIT PAPER NUMBER

2186

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/017,371

Applicant(s)

JOHNSON, LEITH

Examiner

Sheng-Jen Tsai

Art Unit

2186

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed ^{Remarks} ~~amendment~~(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-5, 8-11, 14-21, 23, 25 and 27-31.
Claim(s) withdrawn from consideration: 6, 7, 12, 13, 22, 24 and 26.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see below.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). ^{date} 05/16/06
13. ☐ Other: _____.

Applicant raises the issue of "non-monotonic mapping function" and contends that the teaching of "reclamation and relocation" of Guilck et al. (US 6,314,501) does not lead to a non-monotonic mapping function. The Examiner disagrees with this assessment for the following reasons:

First, the written description of Applicant's disclosure (US Patent Application Publication 2003/0110205) is completely silent regarding the element of "non-monotonic mapping function." The only reference to "non-monotonic mapping function" is provided by Applicant in the amendments and remarks filed on 2/10/2006, in which Applicant pointed to figures 2A and 2C as an "example" of "non-monotonic mapping function."


Second, neither figures 2A nor 2C recites the phrase of, or provides a definition for, "non-monotonic mapping function." Figure 2A shows a configuration where the physical memory blocks being mapped is "out of order," or "non-sequential," as physical memory block 0 is followed by physical memory block 4, then by physical memory block 3; while figure 2C shows a configuration where the physical memory blocks being mapped is "in order," or "sequential," as physical memory block 0 is followed by physical memory block 1, then by physical memory block 2, then physical memory block 3, etc.

Thus, with only an "example" illustrating the concept of "non-monotonic mapping function," the Examiner interpreted the element of "non-monotonic mapping function" as "out of order," or "non-sequential," arrangement of physical memory blocks shown in figure 2A.

Third, Guilck et al. teach mapping of memory addresses using offset, relocation and reclamation as shown in figure 33. Further, Guilck et al. teach how a "memory hole" may be "reclaimed" to map other segments of memory the address of which does not belong to the range defined by the "memory hole" [According to another feature of this aspect of the present invention, in cases where the physical address space of the processors of a given partition contains a range of addresses unavailable for memory storage (e.g., a range dedicated to memory-mapped I/O), thus defining a memory hole, the computer system may further comprise means for reclaiming for other uses that portion of the exclusive memory window of the partition that would otherwise correspond to the memory hole (column 5, lines 41-49)].

Figure 5 shows that memory holes (512, 542 and 572) and their locations with respect to the other memory segments such as high memory (513, 543 and 573) and low memory (511, 541 and 571). Since memory holes are to be reclaimed for other use, i.e., to be used by storing other memory segments, and since these other memory segments originally do not occupy these memory holes, hence their original addresses would be "out of order," or "non-sequential," with respect to the originally addresses of the high memory (513, 543 and 573) and low memory (511, 541 and 571).

Therefore, the Examiner's position regarding the status of all claims of this Application remains the same as stated in the previous Office Action.


PIERRE BATAILLE
PRIMARY EXAMINER
5/31/06